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THE
T R I A L

O F

JOHN ALMON, BOOKSELLER,

Upon an INFORMATION, filed *ex officio*,

By WILLIAM DE GREY, Esq; his Majesty's
Attorney-General,

For selling JUNIUS'S LETTER to the K—.

Before the Right Hon. William Lord MANSFIELD, and
a Special Jury of the County of Middlesex,

In the Court of KING'S-BENCH, Westminster-Hall,
On Saturday the second Day of June, 1770.

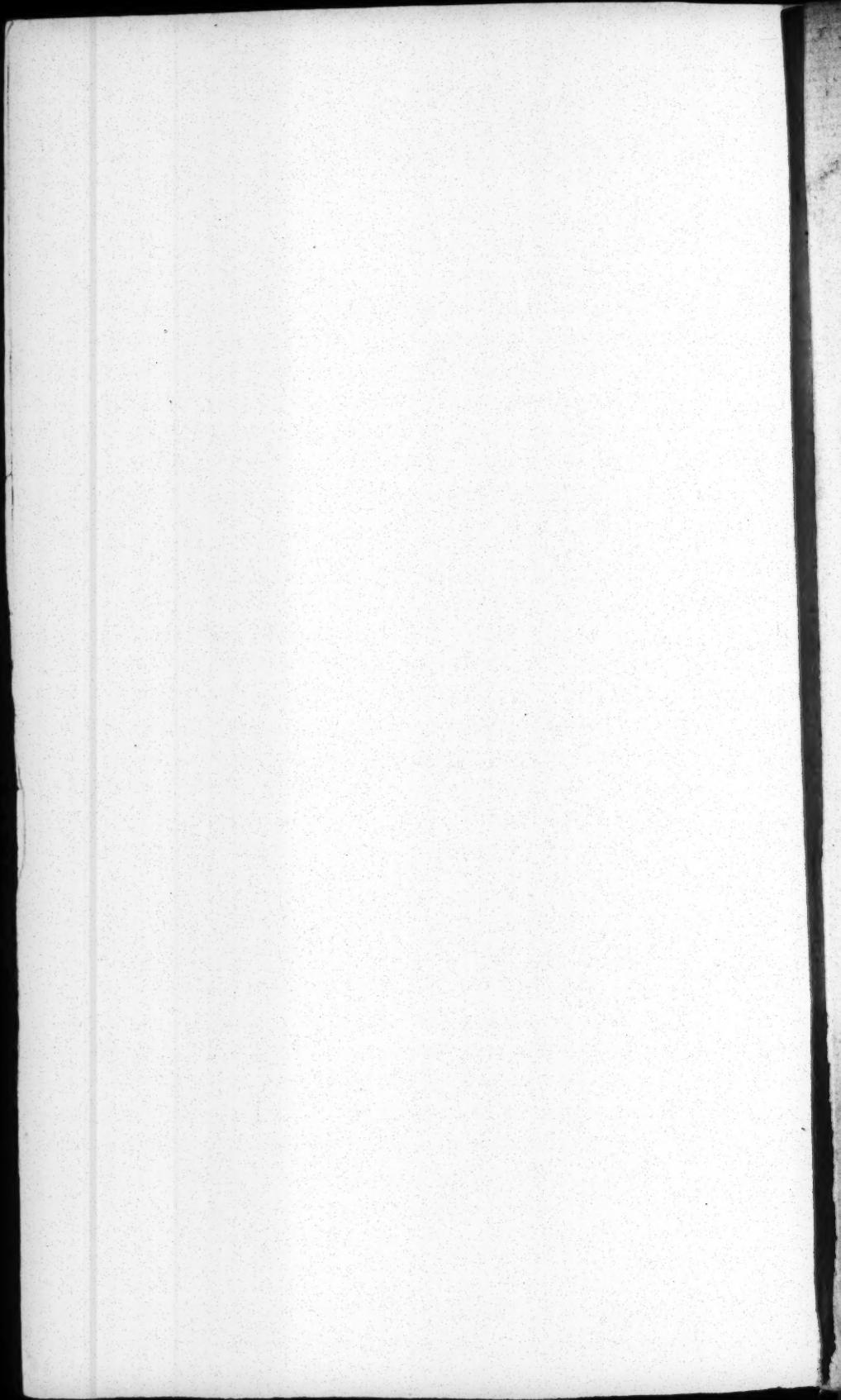
To which is prefixed a Copy of the INFORMATION.

Taken in S H O R T H A N D.

L O N D O N :

Printed for J. MILLER, in Queen's-Head-Passage, Pater-
Noster-Row. 1770.

[Price One Shilling.]



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COPY of an INFORMATION

Filed *ex officio,*

By WILLIAM DE GREY, Esq;

His Majesty's Attorney General,

K AGAINST

JOHN ALMON, *Bookseller,* for publishing a LIBEL.

MIDDLESEX, { INFORMATION sets forth
Filed Hilary Term, { That John Almon late of
10 George III. { the parish of Saint James
within the liberty of Westminster in the county
of Middlesex Bookseller having no regard to the
laws of this kingdom or the publick peace good
order and government thereof and most unlaw-
fully seditiously and maliciously contriving and
intending by wicked artful scandalous and mali-
cious allusions suppositions and insinuations to
molest and disturb the happy state and the public
peace and tranquility of this kingdom and most
insolently audaciously and unjustly to asperse
scandalize and vilify our said present Sovereign
Lord the King and to represent and to cause it to
be believed that our said Sovereign Lord the King
had by his measures of government lost the af-
fections of his subjects in that part of Great Bri-
tain called England and in Ireland and in his
B dominions

dominions of America and brought the publick
affairs of this kingdom into a most distressed dis-
graceful and lamentable state and condition and
also most unlawfully and maliciously contriving
and intending to represent and cause it to be be-
lieved that our said Lord the King had bestowed
promotions and favours upon his subjects of that
part of his kingdom of Great Britain called Scot-
land in preference to his subjects of that part of
Great Britain called England and thereby to cre-
ate groundles Jealousies and uneasiness in his Ma-
jesty's subjects of England and also most unjustly
to represent and cause it to be believed that our
said Lord the King had bestowed promotions and
favours upon one part of his said Majesty's army
commonly called the Guards in preference to
another part of his army commonly called the
Marching Regiments and thereby to create ground-
less jealousies uneasiness and mutiny in that part
of his army called the Marching Regiments and
to bring our said Lord the King and his admini-
stration of the government of this kingdom into
the utmost dishonor and contempt and to poison
and infect the minds of his Majesty's subjects
with notions and opinions of our said Lord the
King highly unworthy of our said Lord the King
and of that paternal love and concern which he
hath always shewed and expressed for all his sub-
jects as if our said Lord the King had unjustly
taken a part with some of his subjects against
others and had unjustly prostituted the measures
of his government to gratify personal resentment
and also thereby as much as in him the said John
Almon lay to alienate and withdraw from our said
Lord the King that cordial love allegiance and
fidelity which every subject of our said Lord the
King should and of right ought to have and shew
towards our said Lord the King and also most
unlawfully

unlawfully wickedly and maliciously contriving and intending by wicked artful scandalous and malicious allusions suppositions and insinuations to traduce scandalize and vilify the principal officers and ministers of our said Lord the King employed and entrusted by our said Lord the King in the conduct and management of the weighty and arduous affairs of this government and to represent and cause it to be believed that said principal officers and ministers had violated the laws and constitution of this kingdom and adopted weak oppressive and infamous measures in the administration of the publick affairs of this kingdom and had brought distress and misery upon the subjects of this kingdom and thereby to weaken and diminish the public credit power and authority of the government and also as much as in him the said John Almon lay contriving and intending to asperse scandalize and vilify the Members of the present House of Commons of this kingdom and to represent them as an abandoned profligate set of men who had arbitrarily invaded the rights of the people violated the laws and subverted the constitution of this kingdom and also as much as in him the said John Almon lay to move excite and stir up the subjects of our said Lord the King to insurrection and rebellion against our said Lord the King he the said John Almon upon the first day of January in the 10th year of the reign of our said present Sovereign Lord George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith and so forth with force and arms at the parish of Saint James aforesaid within the liberty of Westminster aforesaid in the county of Middlesex aforesaid unlawfully wickedly seditiously and maliciously did publish and did cause and procure to be published a most wicked scandalous seditious and malicious Libel

intituled *The London Museum of Politics Miscellanies, and Literature*, in which said Libel of and concerning our said present Sovereign Lord the King and of his administration of the government of this kingdom and also of and concerning the publick affairs of this kingdom and also of and concerning the principle officers and ministers of our said Lord the King employed and entrusted by our said Lord the King in the conduct and management of the weighty and arduous affairs of this government and also of and concerning the Members of the present House of Commons of this kingdom are contained (amongst other things) diverse wicked scandalous seditious and malicious matters (that is to say) in one part thereof according to the tenor following, to wit, Junius's Letter to the * * * * (meaning our said Lord the King) When the complaints of a brave and powerful people are observed to encrease in proportion to the wrongs they have suffered ; when, instead of sinking into submission, they are roused to resistance, the time will soon arrive at which every inferior consideration must yield to the security of the Sovereign, and to the general safety of the state. There is a moment of difficulty and danger, at which flattery and falsehood can no longer deceive, and simplicity itself can no longer be misled. Let us suppose it arrived. Let us suppose a gracious, well-intentioned Prince, made sensible at last of the great duty he owes to his people, and of his own disgraceful situation ; that he looks round him for assistance, and asks for no advice, but how to gratify the wishes, and secure the happiness of his subjects. In these circumstances it may be matter of curious speculation to consider, if an honest man were permitted to approach his King, in what terms would he address himself to his Sovereign. Let

it be imagined, no matter how improbable, that the first prejudice against his character is removed, that the ceremonious difficulties of an audience are surmounted, that he feels himself animated by the purest and most honourable affections to his King and Country, and that the great person, whom he addresses, has spirit enough to bid him speak freely, and understanding enough to listen to him with attention. Unacquainted with the vain impertinence of forms, he would deliver his sentiments with dignity and firmness, but not without respect. Sir, (meaning our present Sovereign Lord the King) It is the misfortune of your life, and originally the cause of every reproach and distres which has attended your government, that you (again meaning our present Sovereign Lord the King) should never have been acquainted with the language of truth, until you heard it in the complaints of your people. It is not, however too late to correct the error of your education. We are still inclined to make an indulgent allowance for the pernicious lessons you received in your youth, and to form the most sanguine hopes from the natural benevolence of your disposition. We are far from thinking you capable of a direct, deliberate purpose to invade those original rights of your subjects, on which all their civil and political liberties depend. Had it been possible for us to entertain a suspicion so dishonourable to your character, we should long since have adopted a stile of remonstrance very distant from the humility of complaint. The doctrine inculcated by our laws, that the King can do no wrong, is admitted without reluctance. We separate the amiable good-natured Prince from the folly and treachery of his servants, and the private virtues of the man from the vices of his government. Were it not for this just distinction, I know

know not whether your M—y's (meaning Ma-jesty's) condition, or that of the English nation, would deserve most to be lamented. I would prepare your mind for a favourable reception of truth, by removing every painful, offensive idea of personal reproach. Your subjects Sir (again meaning our said present Sovereign Lord the King) wish for nothing but that as they are reasonable and affectionate enough to separate your person from your government so you (again meaning our said present Sovereign Lord the King) in your turn should distinguish between the conduct, which becomes the permanent dignity of a K—g, (meaning King) and that which serves to promote the temporary interest and miserable ambition of a minister. You ascended the throne with a declared, and I doubt not, a sincere resolution of giving universal satisfaction to your subjects. You (again meaning our said present Sovereign Lord the King) found them pleased with the novelty of a young Prince, whose countenance promised even more than his words, and loyal to you not only from principle but passion. It was not a cold profession of allegiance to the first magistrate, but a partial, animated attachment to a favourite Prince, the native of their country. They did not wait to examine your conduct, nor to be determined by experience, but gave you a generous credit for the future blessings of your reign, and paid you in advance the dearest tribute of their affections. Such Sir (again meaning our said present Sovereign Lord the King) w^t once the disposition of a people, who now surround your throne with reproaches and complaints. Do justice to yourself. Banish from your mind those unworthy opinions with which some interested persons have laboured to possess you. Distrust the men who tell you the English are naturally light and inconstant, that they

they complain without a cause. Withdraw your confidence from all parties; from ministers, favourites and relations; and let there be one moment in your life in which you (again meaning our said present Sovereign Lord the King) have consulted your own understanding. When you (again meaning our said Lord the King) affectedly renounced the name of Englishman, believe me Sir, (again meaning our said Lord the King) you were persuaded to pay a very ill-judged compliment of one part of your subjects at the expence of another. While the natives of Scotland are not in actual rebellion, they are undoubtedly intitled to protection, nor do I mean to condemn the policy of giving some encouragement to the novelty of their affections for the House of Hanover. I am ready to hope for every thing from their new-born zeal, and from the future steadiness of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence in exclusion of your English subjects, who placed your family, and, in spite of treachery and rebellion have supported it upon the th—ne (meaning throne) is a mistake too gross even for the unsuspecting generosity of youth. In this error we see a capital violation of the most obvious rules of policy and prudence. We trace it however to an original bias in your education and are ready to allow for your inexperience. To the same early influence we attribute it, that you have descended to take a share not only in the narrow views and interest of particular persons but in the fatal malignity of their passions. At your accession to the throne, the whole system of government was altered, not from wisdom or deliberation, but because it had been adopted by your predecessor. A little personal motive of pique and resentment was sufficient to remove the ablest servants of the crown, but it is not in this coun-

try

try Sir, (again meaning our said Lord the King) that such men can be dishonoured by the frowns of a K—, (meaning the King) they were dismissed but could not be disgraced. Without entering into a minuter discussion of the merits of the peace, we may observe in the imprudent hurry with which the first overtures from France were accepted in the conduct of the negociation, and terms of the treaty, the strongest marks of that precipitate spirit of concession with which a certain part of your subjects have been at all times ready to purchase a peace with the natural enemies of this country. On your part we are satisfied that every thing was honourable and sincere, and if E——d (meaning England) was sold to F——e (meaning France) we doubt not that your M——y (meaning Majesty) was equally betrayed. The conditions of peace were matter of grief and surprise to your subjects, but not the immediate cause of their present discontent. Hitherto Sir, (again meaning our said Lord the now King) you had been sacrificed to the prejudices and passions of others. With what firmness will you (again meaning our said Lord the King) bear the mention of your own? A man not very honourably distinguished in the world, commences a formal attack upon your favourite, considering nothing but how he might best expose his person and principles to detestation, and the national character of his countrymen to contempt. The natives of that country Sir (again meaning our said Lord the now King) are as much distinguished by a particular character as by your Majesty's favour. Like another chosen people they have been conducted into the land of plenty, where they find themselves actually marked and divided from mankind. There is hardly a period at which the most irregular character may not be redeemed. The mistakes of one sex find a retreat in patriotism, those of the other in devotion. Mr. Wilkes

Wilkes brought with him into politics the same liberal sentiments by which his private conduct had been directed, and seemed to think that, as there are few excesses, in which an English gentleman may not be permitted to indulge, the same latitude was allowed him in the choice of his political principles and in the spirit of maintaining them. I mean to state, not entirely to defend his conduct; in the earnestness of his zeal, he suffered some unwarrantable insinuations to escape him. He said more than moderate men would justify, but not enough to intitle him to the honour of your M—y's (meaning Majesty's) personal resentment. The rays of R—I (meaning Royal) indignation, collected upon him, served only to illuminate, and could not consume. Animated by the favour of the people on one side, and heated by persecution on the other, his views and sentiments changed with his situation. Hardly serious at first, he is now an enthusiast, the coldest bodies warm with opposition, the hardest sparkle in collision. There is a holy mistaken zeal in politics as well as religion. By persuading others we convince ourselves. The passions are engaged, and create a material affection in the mind, which forces us to love the cause for which we suffer. Is this a contention worthy of a K—? (meaning King) Are you (again meaning our Lord the now King) not sensible how much the meanness of the cause gives an air of ridicule to the serious difficulties, into which you (again meaning our said Lord the King) have been betrayed? The destruction of one man has been now, for many years, the sole object of your government, and if there can be any thing still more disgraceful, we have seen for such an object, the utmost influence of the executive power, and every ministerial artifice exerted without success. Nor can you (again meaning our said Lord

the now King) ever succeed, unless he should be imprudent enough to forfeit the protection of those laws, to which you owe your C——n (meaning Crown) or unless your ministers should persuade you to make it a question of force alone, and try the whole strength of government in opposition to the people. The lessons he has received from experience will probably guard him from such excesses of folly; and in your M——s (meaning Majesty's) virtues we find an unquestionable assurance that no illegal violence will be attempted. Far from suspecting you (again meaning our said Lord the now King) of so horrible a design, we would attribute the continual violation of the laws, and even this last enormous attack upon the vital principles of the constitution to an ill-advised, unworthy, personal resentment. From one false step you (again meaning our said Lord the now King) have been betrayed into another, and as the cause was unworthy of you (again meaning our said Lord the now King) your ministers were determined that the prudence of the execution should correspond with the wisdom and dignity of the design. They have reduced you (again meaning our said Lord the now King) to the necessity of choosing out of a variety of difficulties;—to a situation so unhappy that you (again meaning our said Lord the now King) can neither do wrong without ruin, nor right without affliction. These worthy servants have undoubtedly given you many singular proofs of their abilities. Not contented with making Mr. Wilkes a man of importance, they have judiciously transferred the question from the rights and interest of one man to the most important rights and interests of the people, and forced your subjects, from wishing well to the cause of an individual to unite with him in their own. Let them proceed as they have begun, and your M——y
(mean-

(meaning Majesty) need not doubt that the catastrophe will do no dishonour to the conduct of the piece. The circumstances to which you (again meaning our said Lord the now King) are reduced will not admit of a compromise with the English nation. Undecided, qualifying measures will disgrace your government still more than open violence, and, without satisfying the people, will excite their contempt. They have too much understanding and spirit to accept of an indirect satisfaction for a direct injury. Nothing less than a repeal, as formal as the resolution itself can heal the wound, which has been given to the constitution, nor will any thing less be accepted. I can readily believe that there is an influence sufficient to recall that pernicious vote. The H— of — (meaning the House of Commons in this kingdom) undoubtedly consider their duty to the C—n (meaning Crown) as paramount to all other obligations. To us they are only indebted for an accidental existence, and have justly transferred their gratitude from their parents to their benefactors; from those, who gave them birth, to the minister, from whose benevolence they derive the comforts and pleasures of their political life;—who has taken the tenderest care of their infancy, relieves their necessities without offending their delicacy, and has given them, what they value most, a virtuous education. But if it were possible for their integrity to be degraded to a condition so vile and abject, that compared with it, the present estimation they stand in is a state of honour and respect, consider Sir, (again meaning our said Lord the now King) in what manner you will afterwards proceed. Can you (again meaning our said Lord the now King) conceive that the people of this country will long submit to be governed by so flexible a H— of — ! (meaning the House of Commons.)

mons.) It is not in the nature of human society, that any form of government in such circumstances, can long be preserved. In ours the general contempt of the people is as fatal as their detestation. Such, I am persuaded, would be the necessary effect of any base concession made by the present H— of _____ (again meaning the present House of Commons of this kingdom) and as a qualifying measure would not be accepted, it remains for you (again meaning our said Lord the now King) to decide whether you will, at any hazard, support a set of men, who have reduced you to this unhappy dilemma, or whether you will gratify the united wishes of the whole people of England, by dissolving the P—. (meaning Parliament) Taking it for granted, as I do very sincerely, that you (again meaning our said Lord the King) have personally no design against the constitution, nor any views inconsistent with the good of your subjects, I think you cannot hesitate long upon the choice, which it equally concerns your interest and your honour to adopt. On one side, you (again meaning our said Lord the now King) hazard the affections of all your English subjects; you relinquish every hope of repose to yourself, and you (again meaning our said Lord the now King) endanger the establishment of your family for ever. All this you venture for no object whatsoever, or for such an object, as it would be an affront to you to name. Men of sense will examine your conduct with suspicion; while those who are incapable of comprehending to what degree they are injured, afflict you with clamours equally insolent and unmeaning. Supposing it possible that no fatal struggle should ensue, you (again meaning our said Lord the present King) determine at once to be unhappy, without the hope of a compensation, either from interest or

ambition. If an E——sh (meaning English) K—— (meaning King) be hated or despised, he must be unhappy ; and this perhaps is the only political truth, which he ought to be convinced of without experiment. But if the English people should no longer confine their resentment to a submissive representation of their wrongs ; if following the glorious example of their ancestors, they should no longer appeal to the creature of the constitution, but to that high being who gave them the rights of humanity, whose gifts it were sacrilege to surrender, let me ask you, Sir, (again meaning our said Lord the present King) upon what part of your subjects would you rely for assistance ? The people of I——l——d (meaning Ireland) have been uniformly plundered and oppressed. In return, they give you every day fresh marks of their resentment. They despise the miserable governor you (again meaning our said present Sovereign Lord the King) have sent them, because he is the creature of Lord Bute ; nor is it from any natural confusion in their ideas, that they are so ready to confound the original of a K——g (meaning King) with the disgraceful representation of him. The distance of the colonies would make it impossible for them to take an active concern in your affairs if they were as well affected to your government as they once pretended to be to your person. They were ready enough to distinguish between you (again meaning our said present Sovereign Lord the King) and your ministers. They complained of an act of the legislature, but traced the origin of it no higher than to the servants of the C——n (meaning Crown) they pleased themselves with the hope that their S——r——n (meaning Sovereign) if not favourable to their cause, at least was impartial. The decisive personal part you took
against

against them, has effectually banished that first distinction from their minds. They consider you as united with your servants against A—r—a (meaning America) and know how to distinguish the S——n (meaning Sovereign) and a venal P——t (meaning Parliament) on one side, from the real sentiments of the English people on the other. Looking forward to independence they might possibly receive you (again meaning our said Lord the now King) for their K—; (meaning King) but if ever you retire to A—r—a (meaning America) be assured they will give you such a covenant to digest, as the presbytery of Scotland would have been ashamed to offer to Charles the Second. They left their native land in search of freedom, and found it in a desert. Divided as they are, into a thousand forms of policy and religion, there is one point in which they all agree : they equally detest the pageantry of a K—, (meaning King) and the supercilious hypocrisy of a bishop. It is not then from the alienated affections of I—l—d (meaning Ireland) or A—r—a (meaning America) that you (again meaning our said present Sovereign Lord the King) can reasonably look for assistance ; still less from the people of E—l—d (meaning England) who are actually contending for their rights, and, in this great question, are parties against you. (again meaning our said present Sovereign Lord the King.) You (again meaning our said present Sovereign Lord the King) are not however destitute of every appearance of support ; you (again meaning our said present Sovereign Lord the King) have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all S—l—d (meaning Scotland) without exception. Considering from what family you are descended, the choice of your friends has been singularly directed ; and truly,

Sir,

Sir, (again meaning our said Lord the now King) if you had not lost the whig interest of England, I should admire your dexterity in turning the hearts of your enemies. Is it possible for you to place any confidence in men, who, before they are faithful to you must renounce every opinion, and betray every principle, both in church and state, which they inherit from their ancestors, and are confirmed in by their education ? whose numbers are so considerable, that they have long since been obliged to give up the principles and language which distinguished them as a party and to fight under the banners of their enemies ? their zeal begins with hypocrisy and must conclude in treachery. At first they deceive ; at last they betray. As to the Scotch, I must suppose your heart and understanding so biassed, from your earliest infancy, in their favour, that nothing less than your own misfortunes can undeceive you. You (again meaning our said present Sovereign Lord the King) will not accept of the uniform experience of your ancestors ; and when once a man is determined to believe, the very absurdity of the doctrine confirms him in his faith. A bigotted understanding can draw a proof of attachment to the House of H—n—r (meaning Hanover) from a notorious zeal for the house of Stuart, and find an earnest of future loyalty in former rebellions. Appearances are however in their favour ; so strongly indeed, that one would think they had forgotten that you are their lawful K—, (meaning King) and had mistaken you for a pretender to the C—n. (meaning Crown) Let it be admitted then, that the Scotch are as sincere in their present professions, as if you were in reality not an Englishman, but a Briton of the North, you would not be the first P—e (meaning Prince) of their native country against whom they have rebelled,

rebelled; nor the first whom they have basely betrayed. Have you (meaning our said Lord the now King) forgotten, Sir, or has your favourite concealed from you that part of our history, when the unhappy Charles (and he too had private virtues) fled from the open avowed indignation of his English subjects, and surrendered himself at discretion to the good faith of his own countrymen. Without looking for support in their affections as subjects, he applied only to their honour, as gentlemen, for protection. They received him as they would your M—y (meaning Majesty) with bows, and smiles, and falsehood, and kept him until they had settled their bargain with the English Parliament; then basely sold their native K— (meaning King) to the vengeance of his enemies. This, Sir, was not the act of a few traitors, but the deliberate treachery of a Scotch Parliament representing the nation. A wise P—ce (meaning Prince) might draw from it two lessons of equal utility to himself; on one side he might learn to dread the undisguised resentment of a generous people, who dare openly assert their rights, and who, in a just cause, are ready to meet their S——n (meaning Sovereign) in the field; on the other side, he would be taught to apprehend something far more formidable—a fawning treachery, against which no prudence can guard, no courage can defend. The insidious smiles upon the cheek would warn him of the canker in the heart. From the uses, to which one part of the army has been too frequently applied, you (again meaning our said Lord the now King) have some reason to expect, that there are no services they would refuse. Here too we trace the partiality of your understanding. You take the sense of the army from the conduct of the Guards, with the same justice with which you collect

left the sense of the people from the representations of the ministry. Your Marching Regiments, Sir, (again meaning our said Lord the now King) will not make the Guards their example either as soldiers or subjects. They feel and resent, as they ought to do that invariable, undistinguishing favour with which the Guards are treated, while those gallant troops, by whom every hazardous, every laborious service is performed, are left to perish in garrisons abroad, or pine in quarters at home, neglected and forgotten. If they had no sense of the great original duty they owe their country, their resentment would operate like patriotism, and leave your cause to be defended by those to whom you (again meaning our said present Sovereign Lord the King) have lavished the rewards and honours of their profession. The prætorian bands, enervated and debauched as they were, had still strength enough to awe the Roman populace : but when the distant legions took the alarm, they marched to Rome, and gave away the empire. On this side then, which ever way you (again meaning our said Lord the now King) may determine to support the very ministry who have reduced your affairs to this deplorable situation : you may shelter yourself under the forms of a P——t (meaning Parliament) and set your people at defiance. But be assured, Sir, that such a resolution would be as imprudent as it would be odious. If it did not immediately shake your establishment, it would rob you of your peace of mind for ever. On the other, how different is the prospect ! how easy, how safe and honourable is the path before you ! the English nation declare they are grossly injured by their representatives, and solicit your M—— (meaning Majesty) to exert your lawful prerogative, and give them an opportunity of recalling a trust

which, they find, has been so scandalously abused. You are not to be told that the power of the H— of _____ (meaning House of Commons) is not original, but delegated to them for the welfare of the people, from whom they receive it. A question of right arises between the constituent and the representative body. By what authority shall shall it be decided ? will your M——y (meaning Majesty) interfere in a question in which you have properly no immediate concern ? it would be a step equally odious and unnecessary, shall the Lords be called upon to determine the rights and privileges of the Commons ? They cannot do it without a flagrant breach of the constitution. Or will you (again meaning our said Lord the now King) referr it to the judges ? They have often told your ancestors, that the law of Parliament is above them. What party then remains but to leave it to the people to determine for themselves ? they alone are injured ; and since there are no superior power to which the cause can be referred, they alone ought to determine. I do not mean to perplex you (again meaning our said present Sovereign Lord the King) with a tedious argument upon a subject already so discussed, that inspiration could hardly throw a new light upon it. There are, however, two points of view, in which it particularly imports your M—— (meaning Majesty) to consider the late proceedings of the H— of _____ (meaning House of Commons) By depriving a subject of his birthright, they have attributed to their own vote an authority equal to an act of the whole legislature ; and though perhaps not with the same motives, have strictly followed the example of the long Parliament, which first declared the regal office useless, and soon after with as little ceremony, dissolved the House of Lords. The same pretended power which

which robs an English subject of his birthright, may rob an English K— (meaning King) of his C—n (meaning Crown) In another view, the resolution of the H— of —— (meaning House of Commons) apparently not so dangerous to your M—, (meaning Majesty) is still more alarming to your people. Not contented with divesting one man of his right, they have arbitrarily conveyed that right to another. They have set aside a return as illegal, without daring to censure those officers who were particularly apprized of Mr. Wilkes's incapacity, not only by the declaration of the H— (meaning the said House) but expressly by the writ directed to them, but who nevertheless returned him as duly elected. They have rejected the majority of votes, the only criterion by which our laws judge of the sense of the people ; they have transferred the right of election from the collective to the representative body ; and by these acts, taken separately or together, they have essentially altered the original constitution of the H— of C— (meaning House of Commons) versed, as your M— (meaning Majesty) undoubtedly is, in the English History, it cannot easily escape you, how much it is your interest, as well as your duty to prevent one of the three estates from encroaching upon the province of the other two, or assuming the authority of them all. When once they have departed from the great constitutional line, by which all their proceedings should be directed, who will answer for their future moderation ? Or what assurance will they give you (again meaning our said present Sovereign Lord the King) that, when they have trampled upon their equals, they will submit to a superior ? Your M— (meaning Majesty) may learn hereafter, how nearly the slave and tyrant are allied. Some of your Council,

more candid than the rest, admit the abandoned profligacy of the present H— of —— (meaning House of Commons) but oppose their dissolution upon an opinion, I confess not very unwar-rantable, that their successors would be equally at the disposal of the treasury. I cannot persuade myself that the nation will have profited so little by experience. But if that opinion were well founded, you (again meaning our said present Sovereign Lord the King) might then gratify our wishes at an easy rate, and appease the present clamours against your government, without offering any material injury to the favourite cause of corruption. You (again meaning our said present Sovereign Lord the King) have still an honourable part to act. The affections of your subjects may still be recovered. But before you (again meaning our said present Sovereign Lord the King) subdue their hearts, you must gain a noble victory over your own. Discard those little personal resentments which have too long directed your public conduct. Pardon this man the remainder of his punishment, and if resentment still prevails, make it what it should have been long since, an act, not of mercy, but contempt. He will soon fall back into his natural station, a silent senator, and hardly supporting the weekly eloquence of a news-paper. The gentle breath of peace would leave him on the surface, neglected and unremoved. It is only the tempest that lifts him from his place. Without consulting your Minister, call together your whole Council. Let it appear to the public that you can determine and act for yourself. Come forward to your people. Lay aside the wretched formalities of a K— (meaning King) and speak to your subjects with the spirit of a man and in the language of a gentle-man. Tell them you (again meaning our said present

present Sovereign Lord the King) have been fatally deceived. The acknowledgement will be no disgrace, but rather an honour to your understanding. Tell them you are determined to remove every cause of complaint against your government ; that you will give your confidence to no man who does not possess the confidence of your subjects ; and that you (again meaning our said present Sovereign Lord the King) will leave it to themselves to determine, by their conduct at a future election, whether or not it be in reality the general sense of the nation, that their rights have been arbitrarily invaded by the present H— of C—— (meaning House of Commons) and the Constitution betrayed. They will then do justice to their representatives and to themselves. These sentiments, Sir, (again meaning our said present Sovereign Lord the King) and the stile they are conveyed in, may be offensive perhaps because they are new to you. Accustomed to the language of courtiers, you measure their affections by the vehemence of their expressions ; and when they only praise you indirectly you admire their sincerity. But this is not a time to trifle with your fortune. They deceive you Sir, (again meaning our said present Sovereign Lord the King) who tell you that you (again meaning our said Lord the King) have many friends, whose affections are founded upon a principle of personal attachments. The first foundation of friendship is not the power of conferring benefits, but the equality with which they are received, and may be returned. The fortune which made you (again meaning our said present Sovereign Lord the King) a King (meaning King) forbade you to have a friend. It is a law of nature which cannot be violated with impunity. The mistaken P—e (meaning Prince) who

who looks for friendship, will find a favourite, and in that favourite the ruin of his affairs. The people of E—gl—d (meaning England) are loyal to the House of Ha—ver (meaning Hanover) not from a vain preference of one family to another, but from a conviction that the establishment of that family was necessary to the support of their civil and religious liberties. This, Sir, (again meaning our said present Sovereign Lord the King) is a principle of allegiance equally solid and rational, fit for Englishmen to adopt, and well worthy your M——y's (meaning Majesty's) encouragement. We cannot long be deluded by nominal distinctions. The name of Stuart itself is only contemptible ;—armed with the sovereign authority their principles were formidable. The Prince who imitates their conduct should be warned by their example ; and while he plumes himself upon the security of his title to the crown, should remember, that as it was acquired by one revolution, it may be lost by another. JUNIUS. To the great scandal and dishonour of our said present Sovereign Lord the King and of his administration of the government of this kingdom. To the great scandal and dishonour of the said present House of Commons of this kingdom ; and also to the great scandal and disgrace of the said principal officers and ministers of our said Lord the King employed and entrusted by our said Lord the King in the managing and conducting the weighty and arduous affairs of this kingdom. To the great disturbance of the public peace and tranquility of this kingdom. In contempt of our said Lord the King and his laws. To the evil and pernicious example of all others in the like case offending ; and also against the peace of our said Lord the King his crown and dignity. And the said Attorney-General of our said Lord the King for

for our said Lord the King giveth the Court here further to understand and be informed that the said John Almon again disregarding the laws of this kingdom and the public peace good order and government thereof and most unlawfully seditiously and maliciously contriving and intending by wicked artful scandalous and malicious suppositions allusions and insinuations to disturb the happy state and publick peace and tranquility of this kingdom and most insolently audaciously and unjustly to asperse scandalize and vilify our said present Sovereign Lord the King and to represent and to cause it to be believed that our said Lord the King had by his measurés of government lost the affections of his subjects in that part of Great Britain called England and in Ireland and in his dominions of America and brought the public affairs of this kingdom into a most distressed disgraceful and lamentable state and condition. And also most unlawfully and maliciously contriving and intending to represent and cause it to be believed that our said Lord the King had bestowed promotions and favours upon his subjects of that part of his kingdom of Great Britain called Scotland in preference to his subjects of that part of Great Britain called England and thereby to create groundless jealousies and uneasinesses in his Majesty's subjects of England aforesaid. And also most unjustly to represent and to cause it to be believed that our said Lord the King had bestowed promotions and favours upon one part of his said Majesty's army commonly called the guards in preference to another part of his army commonly called the marching regiments and thereby to create groundless jealousies uneasiness and mutiny and desertion in that part of his army called the marching regiments and to bring our said Lord the King and his administration of the government of this kingdom into the utmost dishonour and contempt and

and to poison and infect the minds of his Majesty's subjects with notions and opinions of our said Lord the King highly unworthy of our said Lord the King and of that paternal love and concern which he has always shewed and expressed for all his subjects as if our said Lord the King had unjustly taken a part with some of his subjects against others and had unjustly prostituted the measures of his government to gratify personal resentments and also thereby *as much as in him the said John Almon lay to alienate and withdraw from our said Lord the King that cordial love allegiance and fidelity which every subject of our said Lord the King should and of right ought to have and shew towards our said Lord the King* And also *as much as in him the said John Almon lay to move excite and stir up the subjects of our said Lord the King to insurrection and rebellion be the the said John Almon afterwards (that is to say) upon the said first day of January in the 10th year aforesaid with force and arms at the parish aforesaid and within the liberty aforesaid in the said county of Middlesex unlawfully wickedly seditiously and maliciously did publish and cause and procure to be published a certain other scandalous seditious and malicious libel* In which said last mentioned libel of and concerning our said Lord the King and of his administration of the government of this kingdom And also of and concerning the public affairs of this kingdom are contained amongst other things divers scandalous seditious and malicious matters (that is to say) in one part thereof according to the tenor following When you (meaning our said Lord the King) affectedly renounced the name of Englishman, believe me, Sir, (again meaning our said Lord the King) you were persuaded to pay a very ill-judged compliment of one part of your subjects at the expence of another. While the natives of Scotland (meaning that part of

of Great Britain called Scotland) are not in actual rebellion, they are undoubtedly intitled to protection; nor do I mean to condemn the policy of giving some encouragement to the novelty of their affections for the house of Hanover. I am ready to hope for every thing from their new-born zeal, and from the future steadines of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence, in exclusion of your English subjects (meaning the subjects of our said Lord the King in that part of Great Britain called England) who placed your family, and, in spite of treachery and rebellion, have supported it upon the Th—ne (meaning Throne) is a mistake too gross even for the unsuspecting generosity of youth. In this error we see a capital violation of the most obvious rules of policy and prudence. We trace it, however, to an original bias in your education, and are ready to allow for your inexperience. And in another part of the said last mentioned libel according to the tenor following: it is not then from the alienated affections of I—l—d (meaning Ireland) or A—r—a (meaning America) that you (again meaning our said Lord the now King) can reasonably look for assistance; still less from the people of E—l—d, (meaning England) who are actually contending for their rights, and, in this great question, are parties against you (again meaning our said Lord the now King) you (again meaning our said Lord the now King) are not however destitute of every appearance of support: you (again meaning our said Lord the now King) have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all S—l—d (meaning that part of Great Britain called Scotland) without exception. And in another part of the said last mentioned libel according to the te-

nor following. From the uses to which one part of the army (meaning the army of our said Lord the King) has been too frequently applied, you (again meaning our said Lord the now King) have some reason to expect, that there are no services they would refuse. Here too we trace the partiality of your (again meaning our said Lord the King's) understanding. You (again meaning our said Lord the King) take the sense of the army from the conduct of the Guards, (meaning the said part of the army of our said Lord the King called the Guards) with the same justice with which you (again meaning our said Lord the King) collect the sense of the people from the representations of the Ministry. Your Marching Regiments (meaning the said other part of the army of our said Lord the King called the Marching Regiments) Sir, (again meaning our said Lord the now King) will not make the Guards their example either as soldiers or subjects. They feel and resent as they ought to do, that invariable undistinguishing favour with which the Guards are treated; while those gallant troops, by whom every hazardous, every labourious service is performed are left to perish in garrisons abroad, or pine in quarters at home, neglected and forgotten. If they had no sense of the great original duty they owe to their country, their resentment would operate like patriotism, and leave your cause to be defended by those to whom you (again meaning our said Lord the King) have lavished the rewards and honours of their profession. The prætorian bands, enervated and debauched as they were, had still strength enough to awe the Roman populace: but when the distant legions took the alarm, they marched to Rome and gave away the empire. And in another part of the said last mentioned libel according

ing to the tenor following. You (again meaning our said Lord the now King) have still an honourable part to act. The affections of your subjects may still be recovered. But before you (again meaning our said Lord the now King) subdue their hearts, you (again meaning our said Lord the now King) must gain a noble victory over your own. Discard those little personal resentments which have too long directed your public conduct. And in another part of the said last mentioned libel according to the tenor following. The people of E—gl—d (meaning England) are loyal to the House of Ha—ver (meaning Hanover) not from a vain preference of one family to another, but from a conviction that the establishment of that family was necessary to the support of their civil and religious liberties. This Sir (again meaning our said Lord the now King) is a principle of allegiance equally solid and rational, fit for Englishmen to adopt and well worthy your M——y's (meaning Majesty's) encouragement. We cannot long be deluded by nominal distinctions. The name of Stuart itself, is only contemptible ;—armed with the sovereign authority, their principles were formidable. The Prince who imitates their conduct should be warned by their example ; and while he plumes himself upon the security of his title to the crown, should remember, that as it was acquired by one revolution, it may be lost by another.

JUNIUS.

To the great scandal and dishonour of our said present Sovereign Lord the King and of his Administration of the government of this kingdom. To the great disturbance of the public peace order and government of this kingdom. In contempt of our said Lord the King and his laws. To the evil and pernicious example of all others in the

like case offending; and also against the peace of our said Lord the King his crown and dignity. And the said Attorney-General of our said Lord the King for our said Lord the King giveth the Court here further to understand and be informed that he the said John Almon being such person as aforesaid and further most insolently audaciously wickedly and maliciously contriving and intending as aforesaid and the sooner to accomplish perfect and bring to effect his said most unlawful wicked and seditious purposes afterwards (that is to say) upon the said first day of January in the said tenth year of the reign of our said Lord the King with force and arms at the parish aforesaid within the liberty aforesaid in the county aforesaid out of his further malice towards our said Lord the King and to his Administration of the government of this kingdom and also out of his further malice towards the said present House of Commons of this kingdom a certain other wicked scandalous seditious and malicious libel intitled—The London Museum of Politics Miscellanies, and Literature—did unlawfully wickedly seditiously and maliciously publish and did cause and procure to be published in which said libel last above mentioned He the said John Almon bath by such wicked artful scandalous and malicious allusions suppositions and insinuations as aforesaid most unlawfully wickedly and maliciously aspersed scandalized and vilified our said present Sovereign Lord the King and his Administration of the government of this kingdom and bath thereby as much as in him the said John Almon lay endeavoured to bring our said Lord the King and his Administration of the government of this kingdom into the utmost dishonour hatred and contempt with his subjects and to poison and infect the minds of his Majesty's subjects with notions and sentiments highly unworthy of our said Lord the King And both

bath also by that means (as much as in him the said John Almon lay) endeavoured to alienate and withdraw from our said Lord the King that cordial love allegiance and fidelity which every true and faithful subject of our said Lord the King should and of right ought to bear towards our said Lord the King and bath also by that means (as much as in him the said John Almon lay) attempted to move excite and stir up the subjects of our said Lord the King to a most unnatural insurrection against our said Lord the King and in which said libel last above mentioned he the said John Almon bath also by such wicked artful scandalous and malicious allusions suppositions and insinuations as aforesaid most unlawfully wickedly and maliciously traduced scandalized and vilified the present House of Commons of this kingdom and bath most audaciously wickedly and falsely represented the said present House of Commons a A MOST VILE PRO-
**FLIGATE ABANDONED WICKED ARBITRARY VENAL
 AND DETESTABLE SET OF MEN** and bath thereby (as much as in him the said John Almon lay) endeavoured to fill and possess the minds of all the people of this kingdom with notions and opinions of the present House of Commons bighly unworthy of the said present House of Commons and bath also thereby (as much as in him the said John Almon lay) attempted to bring the said present House of Commons into the utmost contempt batred scorn and dislike and by that means to weaken and diminish the public credit and authority of that House to the great scandal and dishonour of our said Lord the King and of his Administration of the government of this kingdom And also to the great scandal and dishonour of the said House of Commons In contempt of our said Lord the King and his laws To the great disturbance of the public peace and tranquillity of this kingdom To the evil and pernicious example of all others in the like case offending And also against the peace of our said

said Lord the King his crown and dignity. Whereupon the said Attorney-General of our said Lord the King who for our said Lord the King in this behalf prosecuteth for our said Lord the King prayeth the consideration of the Court here in the premises and that due process of law may be awarded against him the said John Almon in this behalf to make him answer to our said Lord the King touching and concerning the premises aforesaid.

To which information the Defendant pleaded
NOT GUILTY.

[Informations for publishing the same paper were at the same time filed against Mr. Henry Woodfall (the original printer and publisher of it) in the Public Advertiser of the 19th of December, 1769. Mr. John Miller, for reprinting it in the London Evening Post, published in the evening of the same day. Mr. Charles Say, for reprinting it in the Gazetteer of the 20th of December 1769. Mr. George Robinson, for reprinting it in the Independent Chronicle of the same day. And Mr. Henry Baldwin, for reprinting it in the St. James's Chronicle of the 21st of the said month. And although Mr. Almon did not sell the London Museum, (which is a monthly Magazine) containing the said paper, till the first day of January, 1770, (according to the information) yet he was brought first to trial.

In Easter Term following, a Special Jury, at the instance of the Attorney-General, was struck in the Crown Office, before the Master; and the trial was appointed for Saturday, the second day of June, 1770, being the Sittings after Term.]

IN

IN one of the public prints, the following sensible observations were made on the Attorney-General's conduct in this trial, and the subsequent trial of Mr. Woodfall, the *original* publisher.

" It may seem extraordinary to some, that upon Mr. Woodfall's trial, Mr. Attorney-General should employ the greatest part of his harangue in a justification of his own conduct: what had the Jury to do with his motives? and how ridiculous was it in Mr. Attorney, to desire to clear up his own *intentions* to the Jury, whilst he was instructing them to pay no regard to, and to have no consideration of, the *intentions* of the defendant?

" Besides, Mr. Attorney does not tell us who had accused him, or of what he was accused. It is my business to supply his omission. His own conscience smote him for the trial of Mr. Almon. Mr. De Grey, Member for Norfolk, the Attorney-General's brother, had impudently and ignorantly branded the Electors of Westminster, for their petition to his Majesty, as *seditious and base-born Booksellers and Mechanics*. Mr. Serjeant Glynn defended the electors, and reproved Mr. De Grey for his insolence. The electors of Westminster publicly returned their thanks to the Serjeant,
and

and amongst them Mr. Almon was strenuous for these thanks, perhaps the most strenuous, because he must be sensible, from the part he had before taken in the petition to the Throne, that the term, *base-born Bookseller*, was especially aimed at him. This was Mr. Attorney-General's motive for selecting Mr. Almon from the rest, though he only sold the letter, as every other bookseller had done, in a miscellaneous magazine, after it had appeared in all the news-papers. Mr. De Grey, Member for Norfolk, under the shelter of privilege, pours out abuse upon an English elector, for exercising his franchise. If the man resents it only by telling the story, and returning thanks to those who defend him, his brother, Mr. Attorney-General, by virtue of an unjust, assumed power, takes the first opportunity to ruin him, *ex officio*, by filing an information. Mr. Attorney-General, no doubt, had another motive for wishing to try the cause in Westminster first, before the original publisher was tried in London. The Juries in Westminster, it is well known, are generally, for very good reasons, more complaisant to the Court than the London Juries: even the foreman of Mr. Almon's Jury has a place in the War-office. On Mr. Almon's trial, the Attorney-General declared, that *he should certainly have tried the original publisher first; that he wished to have done so, and was only prevented by an affidavit of the sickness of the original publisher* *. Mr. Attorney

* Several persons present on the trial, think this part of the Attorney-General's speech more accurately stated here, than in the short-hand writer's notes. But the editor did not chuse to alter the manuscript. However, the obvious meaning is the same. And, if it is wrong, the Attorney-General

torney knew, that the original publisher had never pleaded sickness, and therefore expecting now that this falsehood would be objected to him, pretended not to know the name of the man he was now trying, and against whom he had himself filed the information ; he calls him Mr.—*what's his name?* When the by-standers told him Woodfall,—“ Aye, says he, Mr. Woodfall.” This trick is too gross to be exposed farther than by relating it.

“ Mr. Attorney-General pretended, that, *in the objects of prosecution, he endeavoured to make a distinction, and to pass by those who were poor, or had large families of children, &c.* Monstrous declaration ! The two first persons whom he brought to trial, Mr. Almon and Mr. Woodfall, are far from being rich, have families of very young children, the support of their families depends entirely on their own daily and unremitting industry in their trade, their places cannot be filled up by others, and imprisonment cutting off the only source of their supply, must make them poor indeed.

“ Mr. Attorney-General declared upon his honour as a man, that he had no motive to urge him against any particular publisher. Come forward, and tell the world, upon what motive Mr. Almon was singled out, and upon what principle of justice he was tried first,—for selling only.

“ Mr. Attorney-General said, as for who was the Author of Junius, that he could by no means discover, that remained an impenetrable secret. Mr. Attorney-General never demanded the name of the author.

General may easily exculpate himself, by appealing to the notes of Mr. Gurney, who took this trial in short hand for the Treasury.

author. He does not wish to prosecute the author. He follows Lord Mansfield's plan of prosecuting publishers and booksellers only. His Lordship has frequently recommended this method, even from the bench. He knows that publishers and booksellers only exercise a trade, and have no other motives or intentions than to procure the emoluments arising from their trade. Multiply therefore prosecutions on the trade, and you will effectually stop publication."

THE

T H E
T R I A L
O F

JOHN ALMON, BOOKSELLER;

*Upon an Information, filed EX OFFICIO, by
William De Grey, Esq; his Majesty's Attorney-
General,*

For selling the London Museum, containing Ju-
nius's Letter to the —.

Before the Rt. Hon. WILLIAM LORD MANSFIELD,
and a SPECIAL JURY, in the Court of King's
Bench, Westminster, on the second day of
June, 1770.

Council for the King.

Council for the Defendant.

The Attorney-General,
The Solicitor-General,
Mr. Moreton
Mr. Wallace
Mr. Dunning
Mr. Walker.

Mr. Serjeant Glynn
Mr. Davenport.

*Solicitors, Messrs. Nut-
tall and Francis.*

Solicitor, Mr. Martyn]

S P E C I A L J U R Y.

Leonard Morse, of Queen-Anne-street, Esq;
 Herbert Mackworth, of Cavendish-square, Esq;
 John Anderson, of Henrietta-street, Cavendish-square, Esq;

John Gould, of Hart-street, Esq;

Josiah Holford, Southampton-row, Esq;

Christopher Lethieulier, of the same, Esq;

Robert Cary, of Hampstead, Esq;

Gerrard Howard, of the same, Esq;

Benjamin Booth, of Lincoln's-Inn-fields, Esq;

George Kent, of Teddington, Esq;

Edward Lovibond, of Hampton, Esq;

*Talesman *.*

John Stillwell, Corn-chandler, of Russel-street,
 Covent-garden.

Mr. Walker opened by reading the record. After him, Mr. Attorney-General proceeded as follows :

May it please your Lordship, and you gentlemen of the Jury. I have thought it my duty to bring before you a publication of this libel, a publication which I believe would be permitted in no civilized country in the world, to pass unnoticed or unpunished. The laws of this country protect its inhabitants,—the character of every subject; the public peace requires it. In proportion as men's characters rise in the world, and are

* Only eleven of the Special Jury attending, the Court were obliged to have recourse to the Common Jury, and the name of the above Talesman was drawn out of the box.

are fixed with public government, the defamatory writings affecting their characters and conduct, tend still more to break the public peace, which is intimately connected with their conduct. But the great orders of the state, and the majesty of the throne, can never be the subject of detraction of libels, without injuring the public peace in the greatest degree, without breaking those bonds which tie men together, and exciting the subjects to sedition. The charge that is brought against the defendant with regard to this publication, contains two propositions : the one, that the publication concerns the King ; his administration of government ; of public affairs of the nation ; the great officers employed in government ; and the members of the House of Commons.—It likewise contains another proposition, *that the defendant published this writing.*—These are the two points, which it is necessary for those who support the information, to prove to your satisfaction, and that is all that is necessary for them to do. In this particular instance, there is perhaps less necessity to trouble you much, because the author of this paper has left very little to insinuation or suggestion : The mode and shape in which libels are written, don't in any instance vary the offence of figurative expression, which is as intelligible as a simple one.—Ironical expressions will describe and express the intention of the writer or speaker, as clear and as plain as direct ones. Whether they do so or not, where they are ironical or figurative, depends upon your consideration, from the circumstances of the case, and the evidence that is laid before you. If there are asterisks, initial letters, or terminations, they may throw no disguise on the meaning; if they do, they disappoint the intention of the writer ; nor are Courts of Justice so precariously formed, to mistake

take the meaning of what all the rest of the world would understand ; and to shut their eyes against that, which is plain to every body else. All that I have to do at present, will be to shew, that the expressions used in this paper, do concern the King ; his administration of government ; of the public affairs of the nation ; the members of the House of Commons ; and the public officers of state.—In order to shew this, it will be necessary to mention to you, some few of those passages, the *whole* of which you have heard already ; and I think that it is impossible for any man to doubt a moment about the meaning of the writer, and the application of the expressions which he has used. That I may be sure I do not err, and put a stronger sense on the words than the writer himself has used, I will endeavour as far as I can, in the passages that are alluded to, to mention the very terms of the paper. Can any man doubt, what was the meaning of the writer of this paper, when he says, “ I am speaking of the errors of his “ education, the pernicious lessons of his youth, “ the partiality of his understanding ;” and which understanding in another place he says, “ he has “ not in one moment of his life consulted ; that he “ was never acquainted with the language of “ truth, ’till he heard it in the complaints of his “ people ; that he had descended to take a share “ in the interest of particular persons, and in the “ fatal malignity of their passions : he calls upon “ him to hear with firmness his own passions and “ prejudices of personal resentment, with which “ he has directed his public conduct, and he “ openly charges him with a continual violation “ of the laws.”

I will not take up your time to prove to you the application of these expressions to the King, because I will not do your understandings the dis-
credit

credit to suppose you have a moment's doubt upon that.—When he speaks of the great assembly of the nation, he says they are people who consider their duty to the Crown, being representatives of the people, as their first obligation, and he arraigns them of venality. When he speaks of the public affairs of the kingdom, he says, “that England was sold to France, and that the King at the same time was betrayed ; that he was sacrificed to the passions and prejudices of others ; that the ministers have reduced him to such a situation, that he can neither do wrong without ruin, nor right without affliction ; the Irish are plundered and oppressed ; the King has united with his servants against the Americans, whose affections are all united ; the English are actually contending for their rights, and are parties against him in the quarrel.”—These are some of those public affairs which he thus reveals, traduces, and misrepresents : and, as if this were not enough, he endeavours to set in opposition, to dis-unite, and to irritate and set against each other, the different dominions belonging to the Crown—different denominations and descriptions of men in the same dominions, and different parts of the same professions in the same nation ; he bids a part of the army *feel* and *resent* that they are perishing in garrisons, or pining in quarters, neglected and forgotten. If one should ask one's self, what could be the motive of this man, and to what purpose was all this ? could he thus mean to apply these expressions to the public affairs of the kingdom—to the House of Commons—to the King's ministers—to the Sovereign himself ? Why should he do it ?—What the motive ?—Who is he ? produce him ! perhaps we may *see* — but there is no country in the world, that does not at some times (and no country more likely in

the world than a country of free liberty to) produce men who act from various motives ; their motives are different to those who are to judge of their actions ; their actions, are what are to decide on their conduct.—Whether the anonymous writer of this paper, and those, who by publishing support him, act from any desperate situation of their fortune—from any malignity of heart—from any perverseness of understanding—from a low and contemptible ambition of being dishonourably distinguished—whatever the meaning may be, that is not now material for your consideration.—It is sufficient that there may be such men in the world—the question now before you is, whether there is now such a man ? the present question is *whether the man now complained of, has actually published this paper ?* but if his views are to be considered, if he had thus, as he hoped, dis-united every part of his Majesty's dominions, and left them abandoned and deserted : What follows, (if it was not from the impossibility of any man's conceiving the least foundation for what was said) should rather be suppressed than repeated :—Say to what all this tends ! see how undisguisedly, how expressly, and in words he has presumed, after he has disunited and provoked the people, to provoke and irritate the Sovereign ; he says, “ the circumstances to which you are reduced, admit of no compromise with the English nation ; all qualifying measures will disgrace you more than open violence ; supposing it possible that no fatal struggle should ensue, you determine at once to be unhappy ; for an English King *hated* or *despised*, must be unhappy.”—*This*, said of a man, *such* a man, that there is not one among us, whose heart would not glow to think, that he had such a son, or such a father !—“ It is barely possible that a fatal struggle

struggle should ensue !” it is but a supposition ! It is but a possibility ! What is that fatal struggle but *sedition*, or a *civil war* ? and if *that* does *not* happen, then *you*, a hated and despised King, must be unhappy ;—“ but if they should “ no longer confine their resentment to a submissive “ representation of wrongs ; if, following the “ glorious example of their ancestors, they should “ no longer appeal to the creature of the consti- “ tution, but to that high being who gave them “ the rights of humanity, and whose gifts it were “ *sacrilege* to surrender ;”—so, then the subject has sustained wrongs ; their rights have been violated ; it was glorious in our ancestors to stand against the Crown, when they had received wrongs, and their rights were violated ! then, it is glorious not to appeal to the Sovereign, the creature of the constitution, but to that high being, who gave them the rights of humanity—here he closes it ; “ it is not merely treachery, it is not perfidy, it “ is not—but, it is *sacrilege*, to surrender those “ rights which have been thus injured ;”—but, as if *this* would not do, he reminds him of the *Stuarts*, and bids him remember, that as the Crown was *acquired* by *one revolution*, it may be *lost* by *another*.—And as if that was not enough, having said that the rights of the subject were violated, and their wrongs thus neglected, he concludes the whole, by declaring, that the English dare openly assert their rights, and in a just cause—a just cause is, where they are sustaining public wrongs, and their rights violated, then the English are to meet, and are ready to meet.

This is the language of this paper, this is the style of this desperate man—the defendant is charged with publishing it—What defence can be anticipated ? What can we suggest to ourselves to be the ground upon which any defence can

be made to this information ? If it is said, that the defendant is not the *author* ; is then the *author* only to be punished ? Is a man who *writes criminal*, and he who *disseminates the poison, innocent* ? What signifies all the writers in the world, if they are confined to their garrets ? and can't find publishers ; they may write to eternity, and notwithstanding all their malignity they will do no damage. I am persuaded, that the man who introduces to the public the paper first written, is full as criminal as the writer. You will then affect the liberty of the press !—The liberty of the press is as sacred as the constitution itself, and is an essential part of it, so is my liberty to move, as I please, to say what I think, and to act as I think ; but I must not employ my tongue, my hand, nor sword, to the prejudice of another man ; nor must you use your *trade* to the prejudice of another man ; but he is not the *first* publisher perhaps ! the *first* paper was published on the 19th of December—this was advertised a few days afterwards, and published and sold, I believe, on the first or second of January, 1770. It is not in the power of any officer, whose duty it is to bring into execution the public laws, to impeach, or to arraign offences of this sort during the intervals of the terms : or when no *Grand Jury* *, or Courts are sitting. I thought it my duty, and I think I should have deserved to have forfeited much more than my office, if I had been wanting in it, *With a much dispatch and expedition as I could, I thought fit to take public notice of these publications.*

* The Westminster Grand Jury, before whom this matter was *properly cognizable* (the defendant living in Westminster) sat on Wednesday the third of January, and continued sitting the fourth, fifth, and sixth days of the same month, all which were within a few days after the publication.

tions *. I believe there is *one person*—Illness has been the occasion of his not being brought to a trial now—*OTHERS are now depending* †. This person published this paper.—I would not aggravate

* The whole of this assertion is utterly false. The paper was published, or rather the London Museum, containing the paper, was sold at Mr. Almon's, on the first day of January, 1770, and a bill of indictment might have been preferred against him to the Grand Jury of Westminster, by, and before whom this matter was *properly cognizable*, on the third, fourth, fifth, or sixth days of that month, for upon each of those days that Grand Jury was sitting, which would have been “taking public notice with as much dispatch and expedition as he could,” and would have been likewise the regular and legal mode of proceeding. But the fact is, Mr. Attorney-General did not chuse to prefer a bill of indictment to the Grand Jury. He knew very well that every syllable of the offensive paper was *true*, and he was afraid the Grand Jury would enquire into the motives of this particular prosecution, as well as into the contents and veracity of the paper itself. The Grand Jury are sworn to *diligently enquire and true presentment make*, and not to find against any person for *hatred or malice*. And the paper being *notoriously true* and the prosecution *apparently malicious*, he durst not trust the charge with a Grand Jury. But he waited *in secret* till Hilary term, which did not begin till the twenty-third day of January, 1770, and then filed an information, not in consequence of a motion made in *open Court*, but *privately*, that is, *ex officio*, in the Crown Office.

† With an affected air of sincerity, there is great art in this passage, which indeed cannot be made appear so strongly upon paper, as it did by the emphasis in speaking. By the words *one person*, and *OTHERS are now depending*, Mr. Attorney could not possibly mean any thing but the *original publisher*, and the *re-publishers*. Now the *FACT* is, that here again he must know, he was advancing a *falshood* in which he could have no other design but to deceive the Jury; it being very natural for the Jury to ask one another, Why is this man brought to trial *BEFORE* the *original publisher*? The Attorney-General, with great caution, takes care to satisfy them upon that head. He gives them to understand, that the *original publisher* is ill, and for that reason his trial has been postponed. The *baileys* of this part

aggravate on one side, or extenuate on the other : I only mean to explain. The paper had been published ten or eleven days before *this* was published. I do verily believe there was not a man in the kingdom (I am sure not an honest man in the kingdom) who read it, that did not take offence at it,—the exclamation of mankind against it was *general* ; yet in that situation it was published by the *now publisher*. I mention these circumstances to excuse, or rather to explain the conduct of those who have carried on these prosecutions. The facts I have mentioned will be proved—It remains then for you *not to punish*, for that is not the present subject, but to enquire whether the defendant has committed this crime or not.

William Bibbins called, and examined by Mr. Thurlow, the Sollicitor-General.

Q. Do you know Almon's shop in Piccadilly ?

A. I do ; a bookseller's shop.

Q. Did

of the business would exceed the possibility of belief, were not many persons well acquainted with the notoriety of it. The real truth is, the original publisher was *not ill*. On the contrary, he was in *perfect health*, and attended upon this very trial, in consequence of a subpœna on the side of the prosecution, of which the Attorney-General could not be ignorant ; and the subpœna was so particular, that by a note on the back of it, he was ordered to bring with him the original copy of the advertisement of the London Museum, inserted in his paper. What purpose the original copy of the advertisement was intended to answer, it is impossible to say, as the printer was not examined. But the advertisement was shewn about to several persons, and it appeared by a note at the bottom of it, to have been inserted in his paper, by the order of Mr. J. Miller, the publisher of the London Museum. Like subpœnas were also sent to the publishers of the Gazetteer and St. James's Chronicle, but the Attorney-General did not think proper to examine any of them.

Q. Did you at any time buy any paper there or not ?

A. I did.

Q. What did you buy ?

A. The London Museum. (produced in Court)

Q. Is that the *very* book you bought ?

A. Yes : it is.

Q. What day did you buy it ?

A. On the first of January.

Q. From Mr. *Serjeant Glynn*. Be so good as to let us know who you are ?

A. I am a messenger to the pres^s.

(The paper was here read.)

Mr. Thurloe. I shall call a witness, in order to shew, that Almon was one of the original publishers ; or, one of the persons to whom the attention of the public was *called* in *that* character.

Mr. Serjeant Glynn to Bibbins. You are a messenger to the pres^s, please to tell us what that office is ?

A. It is my business to buy all political pamphlets.

Q. Have you a salary for that purpose ?

A. There is a salary annexed to that office.

Q. Then without any direction whatever, when a political pamphlet comes out you are to buy it ?

A. Yes.

Q. You looked upon this as a political pamphlet ?

A. Yes : I did.

Q. Did you buy all the Museums that were published, or only this ?

A. I bought them of the publisher mentioned in the advertisement : I have a standing order ; and never wait for direction.

Q. Do you buy all magazines and papers which come out ?

A. It

A. If any thing *particular* is advertised to be published in them, then I buy them.

Q. I believe *Junius* was advertised in *all* the magazines: Did you buy *all the magazines*?

A. I believe you are mistaken*.

Q. Then the fact is, you did *not* buy *all* the magazines?

A. I bought *all* that I knew were published by him †.

Q. I would

* The witness takes as great a latitude as the Attorney-General. The letter of *Junius*, for the *selling* of which the witness informed against the defendant, was printed in *most* if not *all* the magazines, published in London on the first day of January, 1770. The fact of the publication of these periodical pamphlets is unquestionable. The publishers of them, are not men who act in the dark, or who live as if they were afraid to be known. Their names and places of abode are affixed to their books. Sometimes it happens that *other* bookseller's names, besides the real publishers, are placed in the advertisements, but the *first* name is always that of the *real* publisher; if the word *publisher* may be permitted to be understood in the usual and general accepted sense. Indeed, where there is no publisher's name to a book or pamphlet, or where the name is fictitious, it may be right to deem the *first* man a publisher, who may be found *selling*. But common sense revolts at the idea of *prosecuting*, and the *first too!* a *SELLER ONLY*; when the *real printer and publisher* may be easily come at!

† There was a report, which this evidence seems to confirm, that informations were drawn against the defendant, for selling, on the first day of January, 1770, the *Freeholders Magazine*, and the *Town and Country Magazine*, each containing *Junius's letter*; which, probably, this evidence bought at his shop the same morning.—There is not a doubt, that some copies of almost every monthly Magazine, are sold at the shop of every bookseller in the kingdom; but can it be right, or is it reconcileable to any principle of justice, that a man should be prosecuted for *only selling* a book in the course of his trade, which has been printed and published with impunity, by another, whose name is mentioned upon the title page. If the principle upon which such a *partial prosecution* is instituted,

be

Q. I would be glad to have it understood, whether what you do, is done from the idea you have of the duty of your office, or whether you are so directed?

A. From the idea of the duty of my office.

Q. Have you kept them ever since?

A. I delivered them to Mr. Francis—and he delivered them to me again.

Q. How did you know it again?

A. I marked it, and know it to be the same.

Q. You have a salary for your office?

A. I am only an acting messenger.

Q. Did you buy the London Magazine *?

A. I did not.

Q. Who did you buy it of?

A. The young man in the shop; I asked for the London Museum, and he delivered it to me.

Nathaniel Crowder, examined by Mr. Moreton.

Q. Did you buy any London Museum, and when? at the defendant's shop in Piccadilly?

A. I did: this is it—(producing it, and the newspaper produced)

Q. Is that the advertisement of the British Museum?

A. It is.

Q. Is it that which gave rise to your buying the paper?

A. Yes it was.

Lord Mansfield. It is capable of proof, if the defendant put it in.

Moreton. The last witness said that he bought all papers of the political kind.

Lord

be good; then the Minister, or, which is the same thing, the King's Attorney-General, who always acts by his directions, can at any time prevent any particular bookseller from following his trade, and by that means ruin him.

* Junius's letter was in the London Magazine.

Lord Mansfield. To that he has given a proper answer.

Mr. Davenport. What are you?

A. I supply the gentlemen of the Treasury with all political daily publications.

Q. Then you are a sort of messenger, employed by the Treasury to select all the papers they direct you to get?

A. Yes.

Q. You don't know any thing of the book. I ling trade?

A. No; I do not.

Q. Did they direct to you to go any particular shop?

A. No*.

Q. Who delivered that pamphlet to you at the shop?

A. A young man; I cannot tell who he was.

Q. What did you ask for?

A. I asked for the London Museum, and somebody gave me one.

MR. SERJEANT GLYNN.

May it please your Lordship, and you gentlemen of the Jury, to favour me in the present cause in behalf of Mr. Almon: and gentlemen, out of the concern that I have for my client, Mr. Almon, it gives me a peculiar satisfaction, that a cause of this nature, affecting him so greatly, comes to be tried by gentlemen of your character. Gentlemen, Mr. Almon is singled

* This witness was the *informer* against Mr. J. Miller (who is the publisher of the London Museum) for printing and publishing Junius letter in the London Evening Post. Is it not extraordinary that he should go to Mr. Miller's, near St. Paul's, for the London Evening Post; and then, of his own accord, go to Mr. Almon's in Piccadilly, (almost two miles distance!) for what he might have had at Mr. Miller's?

singled out for a prosecution, as the *publisher* of a paper, contained in a certain pamphlet that comes out monthly, and is called a *Museum*—for the publication of a paper, that hath singly appeared in *all* news papers that have been published. The *original* publisher well known, and avowing himself. I should have thought that Mr. Almon, upon the evidence of a man, who calls himself a messenger to the press (an office, that should have expired with that odious system of laws)—Upon the evidence of that man, finding this book upon a stall, or delivered to him by a boy in the shop, that Mr. Almon should now struggle against being convicted of an offence, which would bring upon him, undoubtedly, very severe punishment.—Gentlemen, it is (in my opinion) a question that goes very far beyond the person of Mr. Almon. If the prosecutor had thought proper to bring before you the *known* and *avowed* publisher of this paper, in *that* case, the question of the *guilt or innocence* of the paper, would have been material for your consideration. As Mr. Almon is *now* circumstanced, if the paper was *meritorious*, the *merit* could not belong to him. If, on the other hand, the paper is *criminal*, the *criminality* cannot be imputed to him. This offence has been described in the information, and represented afterwards by Mr. Attorney-General, in the opening. Mr. Attorney-General has said, that “it was published in the malevolence of the publisher’s heart, to vilify and asperse the King upon the throne; that it was done with an intention to excite sedition and destruction in the kingdom, to divide one part of his Majesty’s subjects against the other; and pursuing that malevolent intention that prompted the author to excite disaffection to the King, has taken that odious and detestable part of exasperating

“the King against his subjects.”—To whomsoever *that imputation* belongs, it is certainly the greatest offence that a subject of this kingdom (be he whom he will) can possibly commit: Gentlemen, whether that belongs to Mr. Almon, or to the writer, I must submit to your consideration.—Whether it belongs to the other, is not now the subject for your discussion.—Gentlemen, I should be very unwilling, as I have stated it to you, to have it totally immaterial; as I am uninstructed by Mr. Almon, who knows nothing of this paper, either to defend it, or to submit to the criminality of it.—As I have no instructions, on the subject, I will not trouble you with many observations: whenever the *real* publisher comes to be tried, the Jury then concerned will consider and decide on the question. It has been said, that this is “to vilify, and asperse the King “himself.”—The highest offence that the rancour of the most malevolent heart could ever conceive; but is it such? Is it to vilify and asperse the King? Was it the opinion of the drawers of the information that it was so? I am of opinion that it could not be so; I am of opinion, from a single omission, that *that* was not the construction the drawer of the information put upon it. I have always been led to observe, that the word *false* has been inserted in these informations—every one of them.—How happened it to be omitted *here*? If this conveyed personal reflection on the King, would not the drawer of the information have been prompted, for the honour of the King, to say that it was *false*?—I do say it, that if there is a single word derogatory to the personal honour and virtues of his Majesty, it is false in the *biggest degree*.—I say, they should have said it was so.—They cannot now, with decency, contend that the King is personally reflected on, because they

they have not undertaken to falsify the matter of that.—There is another observation that I would submit to you ; and I don't mean to submit it to you as at all preventing your going into the construction of this paper.—It was only given me to contend, that the publisher of this paper is innocent: but I must take some hints from what has been said, and some doctrines that have been laid down. I take notice of it, because on future occasions it will concern *others*, and because (in my opinion) it concerns the *public*. I do agree, that personal imputations on the King, can never be defended ; but, I do assert, that the freedom of political discussion is of the utmost consequence to all our liberty, and I do insist upon it, that the actions of this government may be canvassed, freely, and consistently with the duty of a good subject ; and then ought always to be defended.—The King's hand must be employed to the act.— It is no imputation to the King, to censure the acts of government.—In no sense is the King to be censured, when the conduct of government is only animadverted on. It would be idle to state, that there is a constitutional check, on the power of the Crown, lodged in those hands, where—
 say that is criminal, and give them information. Having entered lately my protest against this doctrine, I shall not trouble you with any application of it to the present question. Let this imputation be what it will, Mr. Almon is not guilty of it : he is not the *publisher*.—Mr. Almon is a bookseller, lives I believe in Piccadilly, and you find the charge against him is, the having this book in his shop. I should really think, for the sake of the honour of the laws, for the safety of every man, that is by no means proper evidence to convict a man upon : I have always

thought, that to the *essence* of a *crime* belongs *intention*. I could never conceive that any man could be guilty who was not *criminal in his heart*. I have always understood too, that whatever is necessary to constitute an offence, is incumbent on the prosecutor to prove.—Gentlemen, is there the least tittle of evidence before you to affect Mr. Almon ? not only with a black malevolent intention, ascribed to him in the information, but with any ill intention at all ?—from any mischief done, or to be done ?—a paper contained in a miscellaneous tract ; found only at that shop.—Gentlemen, if Mr. Almon was to be convicted as an offender in the publication of this paper, I think we should be—what never will be allowed in this country I hope, and I believe what, in no civilized country ever was—that a man should be innocent in his intentions, and at the same time *guilty*.—It seems to me to be the greatest paradox, the greatest solecism that ever was attempted to be proved.—Gentlemen, therefore in behalf of Mr. Almon, we now insist upon it, that though the fact is, that this book was found in his shop, yet that Mr. Almon is in no sense the publisher ; nor criminal ; he never had it, or if he had, his mind never went with it.—After having observed to you upon what has been produced to you in support of the prosecution, it would be almost unnecessary to open to you the particular circumstances of Mr. Almon's case : but, gentlemen, we have not only that defect of evidence which we are to rely upon—we have not only to say that Mr. Almon has not been proved to be the intentional publisher of the paper (and this was absolutely necessary to be proved before he could be convicted) but we have it negatively to prove that this came to Mr. Almon's shop without his knowledge,

knowledge, and that he sent it back as soon as he knew it ! Is that circumstance sufficient to prove Mr. Almon's guilt ? Trifling indeed ! — we know that advertisers will insert whatever they think proper ! and Mr. Almon's name appearing to that advertisement, it ought not to be the occasion of any inference drawn against Mr. Almon. Gentlemen, you will be told, that among the trade, it is their constant custom to insert the names of such booksellers as are most conveniently situated for the circulation of such books—and this was inserted without his authority,—and the books returned unsold—the few that were sold, were without his knowledge or intention.—If these circumstances appear before you, how can you say that Mr. Almon is guilty of publishing this paper ? If publication is an offence, Mr. Almon cannot be said to have committed it ? Mr. Almon was entirely innocent, entirely ignorant of it— and, if this is to be the law of the land,—if a law so contrary to natural justice is to prevail, how is any situation of men—any age to be safe ? The common excuse can never be admitted, because it is quite indifferent, if *intention* is *immaterial*—A man then is criminal in the highest degree, though, at the same time, he never knew what was doing.—I do most heartily subscribe to a doctrine laid down by the Attorney-General, as I build upon its authority a doctrine, which, I think, is highly wholesome and beneficial to the subjects of this kingdom. He has said, that in all cases whatever, the liberty of the press is the most sacred of all others. He has truly said, that that principle rests on the same principle, and the same security, and to be governed by the same law, as every other article of our liberty. It is most certainly so. Mr. Attorney-General has said, that the liberty of the press, is the liberty of writing what is just :—*I, says*

says he, have the liberty of *acting* and *doing*; but, if I abuse that liberty, I become *criminal*. Certainly so! no position can be clearer!—If there is an abuse of that liberty, undoubtedly it is the highest misdemeanor, in proportion to the value of the liberty he abuses; but apply that to any other liberty to the present case. I have the liberty of walking; (when I can, I have that liberty too) but supposing, that in the course of my walking, I abuse that by doing any mischief, then I abuse that liberty: or supposing, that in any other liberty that I have of acting, I act criminally, then I am punishable for it. Most certainly so!—Suppose I have the liberty of using my hands, if I use them to the assault, or to the annoyance of my neighbour, I am then criminal: *but under what circumstances?* If I do it *DESIGNEDLY*, then I am criminal; if *not*, I *cannot* be so; look into every liberty we enjoy, and you will find, that the exercise of it depends upon *this* principle, I will not abuse it. If a mischief arises to my neighbour, I am in some sense answerable in a civil act, but I can never be made a *criminal*, unless I am guilty of wilful abuse. Mr. Attorney-General has put in the very case: a man has the liberty of using his hands; if he uses them to the mischief of his neighbour, he is a *criminal*; but if by *accident* he hurt his neighbour, he is not criminal, he hath not offended against the peace. What means the distinction? Why, in the latter case, he is not criminal, because he had no intention to do the act he did; and to constitute criminality, it is necessary there should be a *wicked intention*—to apply this to the case of Mr. Almon. Supposing now, for argument sake, that you are convinced that this paper is *criminal*—Mr. Almon has, in the course of trade, published it; that it has been published at his shop; now, it does not appear

appear that he had the *least knowledge* of it; indeed we will produce proof to you of the *negative*, that he had not the least knowledge of it. Stating the case thus, the same rules that extend to a man's answering for every act of wrong, where *there is an intention*, certainly the same rules must acquit, where there is *no wicked intention*. Gentlemen, I will therefore submit to you, upon all the circumstances of this case, that we are entitled to your verdict for Mr. Almon; that his conduct cannot be condemned, without violating one of the first principles of natural justice; and I do hope, that if I should be so unfortunate as to have that ever admitted to be violated, I hope it will be violated for some greater purpose, than merely to affect the ruin of a bookseller, who, in this part of his conduct, is not criminally guilty; and whom, in this case, Gentlemen, I must submit to you, as *an honest* and *an innocent* man.

Mr. Davenport. We will call a witness to prove, that Mr. Almon is the mistaken object of this prosecution; that the books were sent to his house without his knowledge.

(*Call John Miller.*)

John Miller sworn.

Serjeant Glynn. I am not bound to prove the contrary of what they *have not proved*.

Court. Use your own judgment.

Mr. Davenport. I apprehend, in a cause of this sort, we need call no witnesses at all. I shall be very short upon it. This charge is a malicious and wilful publication of this libel, that has been read to you from the *paper itself*, and from the *record*. You will try whether that evidence satisfies you, that Mr. Almon is the *real* or the *mistaken* object of this prosecution? The parties who prove the *supposed* publication, prove the going into Mr.

Al-

Almon's shop, in Piccadilly, and buying there a pamphlet that they asked for, under the title of the London or British Museum. *That is the evidence.* There is no letter produced to you; there is no specification of that sort of libel, that is contained upon the face of the record. The book, the pamphlet was sold there without the others knowledge of the contents of it. It is usual, and I believe many of you know it, for booksellers, in different parts of the town, to send pamphlets and books published for themselves to other booksellers; and this appears to be by one John Miller, who stands forth, not only as the printer, but the actual publisher of it. If that be the case, and, if it were possible, that this might be published for some other man, who avows the publication, it might be sent very honestly to Mr. Almon's, or any other shop in this town, and they would be equally the objects of this prosecution; if consent, if concurrence does not go with the crime, of that you are to be the Judges; of *that*, no evidence has been given; nor is it possible to stamp a crime of so enormous a nature, as has been described by the Attorney-General, on a man, who himself has had no communication with the publisher. I advised my client to call no witnesses, and I do submit to you, that he is very clear of this charge: if they mean to try it again, they will get better evidence of his guilt.

LORD MANSFIELD }
TO THE JURY. }

THERE are two grounds in this trial for your consideration. The first is matter of fact, whether *he did publish it.* The second is, whether the construction put upon the paper by the information in those words where there are dashes, and not words at length, is the *true construction;*
that

that is, whether the application is to be made to the King, to the administration of his government, to his ministers, to the Members of the House of Commons, to England, Scotland, America, Ireland, as put upon it by the information; because, after your verdict, the sense so put upon it, will be taken to be the true sense: therefore, if you are of opinion, that that is materially the wrong sense, it will be a reason for not convicting him upon that sense.

In the first place, as to the publication, there is nothing more certain, more clear, nor more established, than that the publication—a sale at a man's shop—and a sale *therein*, by his servant, is evidence, and not contradicted, and explained, is evidence to convict the *master of publication*; because, whatever any man does by *another*, he does it *himself*. He is to take care of what he publishes; and, if what he publishes is *unlawful**, it is at his peril. If an author is at liberty to write, he writes at his *peril*, if he writes or publishes that which is contrary to law; and, with the intention or view, with which a man *writes* or *publishes*, that is in his own breast. It is impossible for any man to know what the views are, but from the *act itself*: if the act itself is such, as infers, in point of law, a *bad view*, then the act itself proves the thing. And as to the terms *malicious*, *seditious*, and a great many

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other

* What is *unlawful*?—The only statutes against libels, viz: 3d Edw. I. 2d and 12th Ric. II. condemn or punish no other than *false news*. They say, “That whoever shall be so hardy “to tell, or publish any *false news* or tales, whereby discord “or *f slander* may grow between the King and his people, or “the great men of the realm, shall be taken and kept in pri-“son, until he has brought him into Court, which was the “first author of the tale.” Junius's letter does not fall within these statutes, for the Attorney-General, in his infor-“mation, does not call it *false*.

other words that are drawn in these informations, they are all inferences of law, arising out of the fact, in case it be *illegal*. If it is a *legal writing* *, and a man has published it, *notwithstanding these epithets*, he is guilty in no shape at all. And Mr. Serjeant Glynn told you what was true in libels *formerly*: they had more epithets of that kind, and, among the rest, they put in the word *false*; but he is mistaken as to the time; it was left out many years ago; and the meaning of leaving this out is, that it is totally *immaterial* in point of proof, *true or false*: if it is *true*, there is, by the constitution, a legal method of prosecution, from the highest to the lowest—every man for his offences. It has been left out, and many others of the same nature, a great many years ago, in prosecutions of *this kind* †: but as to the two facts now before you.

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* How is any man to know *what is a legal writing* ?

† How many years ago?—It was left out in the information against Mr. Wilkes, because all the Crown lawyers know very well, that every word of that *North-Briton* was *true*. But does Lord Mansfield mean, that it has been left out ever since he knew the Court of King's-Bench? He certainly does not, for he knows better. He cannot have forgot, (being *Solicitor-General* at that time) that in the information against W. Owen, tried the 6th of July 1752, for publishing the case of Alexander Murray, Esq; the words are, a wicked, *false*, scandalous, seditious, and malicious libel. Therefore it is not a *great* many years ago, since the word *false* was left out. But it seems to be omitted now, in conformity with, and perhaps the better to enforce that *new* and *absurd* doctrine, that any writing, *true or false against a minister*, is a libel. It may be so, according to the imperial slavish civil law; but it is contradicted by natural reason, upon which is founded the mild and liberal law of England. Indeed, Lord Mansfield's definition of the liberty of the press, warrants us in this supposition, for, upon Mr. Woodfall's trial, he said, “ The liberty of the press consists in no more than this, a liberty to print now without a licence, what formerly could be printed only with one.”—And, in the information against Richard Nutt, for printing and publishing in the London

As to the publication, here are two witnesses that swear to the fact: *Bibbins* swears, that being led by an advertisement, that such a pamphlet was published and sold at the defendant's, in Piccadilly, that he went there, asked for it publicly; it was publicly exposed to sale, and sold to him by a lad in the shop, that acted as a servant at the defendant's. There is another witness, *Crowder*, who likewise swears, that he asked publicly for one, and that it was sold him by the defendant's man: *thus it stands upon their evidence.* If there had been any artifice, or trick, of sending a man privately into another man's shop, to sell it, in order to trap him, if he has such a thing; that is to be proved by the defendant. In this case, the defendant may call a servant of his to give evidence; but they have judged it wiser and prudenter not to call him; therefore it rests entirely upon this suggestion.

Glynn. We did not call the servant, we called Mr. Miller the publisher.

Mansfield. It certainly rests singly upon the evidence of the two witnesses, with regard to the publication of this paper: if you believe these two witnesses, you will be satisfied as to the fact: if you believe that what they have sworn is false, and not true, you will *not be satisfied.*

As to the sense put on the words by the information, you will exercise your own judgment: but this certainly, in point of law, is against the defendant; and, if you are also satisfied with the sense put on the words by the information, you

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don *Evehing Post*, of Sept. 10, 1754, the paper is called a *false*, wicked, scandalous, seditious, and malicious libel. This information was filed by Lord Mansfield himself when he was Attorney-General. And, in the information against Dr. Shebeare, tried by Lord Mansfield in Trinity term 1758, for publishing the Sixth Letter to the People of England; that letter is called a *false*, wicked, scandalous, &c. libel.

See Digest of the Law of Libels.

will find the defendant *guilty*. They severally prove there being bought there; but if you believe they were not bought there, or should not agree with the information, with regard to the sense there put on the words, in these parts of the paper; in either of these circumstances, you will *acquit* the defendant; and therefore, in order to guide your judgment the better, you will take the paper and the information with you.

The trial was over about twelve. The Jury then went out, and staid out near two hours and an half. When they returned into Court, Herbert Mackworth, Esq; (one of the Jury) said to Lord Mansfield,

My Lord, I am instructed to ask a question; Whether selling in the shop by a servant, of a pamphlet, without the knowledge, privity, or concurrence of the master in the sale, or even without a knowledge of the contents of the libel or pamphlet so sold, be sufficient evidence to convict the master?

To which Lord Mansfield answered,

I have always understood, and take it to be clearly settled, that evidence of a public sale, or public exposal to sale, in the shop, by the servant, or any body in the house or shop, is sufficient evidence to convict the master of the house or shop, though there was no privity or concurrence in him, unless he proves the contrary, or that there was some trick or collusion.

The Jury then agreed among themselves; but before the verdict was given, Lord Mansfield desired,

That the Attorney-General and Mr. Serjeant Glynn, to attend and take down his opinion; and here he repeated as above to the Jury, except, that instead

instead of saying it was sufficient evidence, he said it was *prima facie* evidence to charge him, unless he could shew it was by trick or collusion, and without his knowledge or privity; and then added, “ If I am wrong, they may move the Court, and “ the trial will be set aside.”

The Jury being now agreed, the foreman, Leonard Morse, Esq; said GUILTY.

Previous to the beginning of the succeeding term, the defendant having had a consultation with his council, was advised to move for a new trial; which was accordingly done on the 27th of June, upon the ground of law, that the master is not answerable, in a criminal case, for the conduct of his servant, where his privity is not proved; but the Court did not think proper to grant a new trial.

On the 28th of November, 1770, the defendant was brought up for judgment, when his council produced affidavits of the several facts mentioned in Mr. Serjeant Glynn’s speech upon the trial. However, the judgment of the Court was, to pay ten marks (*i. e.* 6l. 13s. 4d.) to the King, and to give security for his good behaviour, for two years, in EIGHT HUNDRED POUNDS; himself in four hundred, and two sureties in two hundred pounds each.

The real printers and publishers being tried at Guildhall, each by a Jury of independent citizens of London, were all acquitted.

The law proceedings attending this trial, cost the defendant ONE HUNDRED AND THIRTY-NINE POUNDS and eleven-pence.

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